

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ZURICH AMERICAN INSURANCE,
COMPANY,

Plaintiff,

v.

EMPLOYERS INSURANCE COMPANY
OF WAUSAU,

Defendant.

No. C03-2982L

ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION
REGARDING EXCLUSIONARY
RULINGS

On July 25, 2005, the Court excluded certain expert testimony in the above-captioned matter. See Dkt. # 50 and 51. Defendant has filed a timely "Motion for Reconsideration" (Dkt. # 54) in which it argues that the Court's decisions demonstrates manifest error because Mr. Kent's December 7, 2004, report did not disclose his view that the maintenance problems Jorgensen experienced with the 5000-ton press were causally connected to the increase in hydraulic pressure that occurred when the press was upgraded from a 3000-ton press to a 5000-ton press in 1998 and the progressive fatigue cracks in the lower crosshead. This issue was raised by defendant through a motion to strike related to the underlying cross-motions for summary judgment: defendant had a full and fair opportunity to address the scope of Mr. Kent's expert report even though it chose not to respond to plaintiff's opposition. The

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1 Court, having reviewed the entire record and the arguments of counsel, found that Mr. Kent's
2 opinions regarding a causal relationship were adequately disclosed. Dkt. # 51. Defendant has
3 shown neither "manifest error in the prior ruling" nor "new facts or legal authority which could
4 not have been brought to [the Court's] attention earlier without reasonable diligence." Local
5 Civil Rule 7(h)(1). The motion for reconsideration regarding Dkt. # 50 and 51 is therefore
6 DENIED.

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8 DATED this 29th day of August, 2005.

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11 Robert S. Lasnik
12 United States District Judge
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